REMARKS

Previously, Applicant received a Final Office Action dated September 20, 2007 (*"Office Action"*) and an Advisory Action dated December 20, 2007 (*"Advisory Action"*). At the time of the *Office Action*, Claims 1-20 were pending, of which, the Examiner rejected Claims 1-20 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,684,945 to Chen et al. (*Chen*). Applicant has amended Claims 1-20. Applicant respectfully traverses the Examiner's rejections.

I.   Legal Standard

A rejection is proper under § 102(b) only if, "each and every element as set forth in the claim is found . . . in a single prior art reference . . . [and] . . . the elements must be arranged as required by the claim." See M.P.E.P. § 2131. This then defines the proper standard for rejection under § 102(b). Applicant respectfully contends that *Chen* does not disclose each and every element of Claims 1-20.

II.   Chen does not disclose "identifying . . . a first user application" as required by Claims 1, 12, 14, 15, 17, 18 and 19.

Claim 1 is directed to a method of identifying problems in applications. According to the method, the system resource usage of one or more running processes belonging to one or more user applications monitoring is monitored at a kernel level without modifying run-time environments of the one or more user applications. Furthermore, a first user application whose system usage pattern satisfies a predetermined criteria associated with one or more problems is identified from the monitored system usage to a user. In addition to Claim 1, Claims 12, 14, 15, and 19 each include limitations generally directed to identifying from the monitored system usage a first user application whose system usage pattern satisfies a predetermined criteria associated with one or more problems. *Chen* does not disclose each of these limitations arranged as required by the claims.

For example, Claim 1 recites, "from the monitored system usage, identifying . . . a first user application." Applicant respectfully contends that *Chen* does not disclose identifying a "user application" from the monitored system usage instructions as required by Claim 1. Additionally, Claims 12, 14, 15, and 19 include similar limitations. Accordingly, Applicant respectfully contends that Claims 1, 12, 14, 15, and 19 and each of their respective dependent claims are in condition for allowance.

Additionally, Claim 17 recites, "from the collected system usage, identifying . . . a first user application." Applicant respectfully contends that *Chen* does not disclose identifying a "user application" from the collected system usage instructions as required by Claim 17. Accordingly, Applicant respectfully contends that Claim 17 and each of its dependent claims are in condition for allowance.

Additionally, Claim 18 recites, "a data analysis module operable to . . . identify from the abnormal system usage pattern, a first user application." Applicant respectfully contends that *Chen* does not disclose a data analysis module operable to identify a "user application" from the abnormal system usage pattern as required by Claim 18. Accordingly, Applicant respectfully contends that Claim 18 and each of its dependent claims are in condition for allowance.

III.   *Chen* does not disclose a "predetermined limit on the number of processes that each of the one or more user applications may spawn" as required by Claim 2.

Additionally, Claim 2 is directed to the method of Claim 1, "wherein the system resource usage comprises a number of the one or more processes that each of the one or more user applications have spawned and the predetermined criteria comprises a predetermined limit on the number of processes that each of the one or more user applications may spawn." Applicant respectfully contends that *Chen* does not disclose, a "predetermined limit on the number of processes that each of the one or more user applications may spawn" as required by Claim 2. Accordingly, Applicant respectfully contends that Claim is in condition for allowance.

IV. *Chen* **does not disclose a "identifying a first user application that has orphaned one of the one or more running processes" as required by Claims 3 and 20.**

Additionally, Claim 3 includes the limitations, "identifying a first user application that has orphaned one of the one or more running processes." Applicant respectfully contends that *Chen* does not disclose these limitations. Similar to Claim 3, Claim 20 includes limitations generally directed to identifying a first user application that has orphaned one of the one or more running processes. Accordingly, Applicant respectfully contends that Claims 3 and 20 are in condition for allowance.
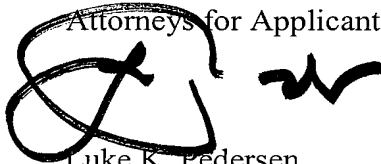
CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicant respectfully requests full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

The Commissioner is authorized to charge the **$810.00 RCE fee**, and to the extent necessary, charge any additional required fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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